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Atty's Docket: 100725-14/Kreisler 1094  
Hoborn et al.,  
SN 10/073,377

ITEMS BEING SUBMITTED

The checked boxes indicate the items enclosed herewith:

- ☐ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application, wherein each "Sequence Listing" is assigned a separate identifier as required in 37 CFR 1.821(c) and 37 CFR 1.822 and 1.823.
- ☒ An amendment to claims 10 and 11, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 CFR 1.821(d).
- ☐ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 1.821(e) and 1.824.
- ☐ A statement under 37 CFR 1.821(g) that the content of each "Sequence Listing" and/or each computer readable diskette, submitted herewith, are the same.
- ☒ A statement under 37 CFR 1.821(g) that the submission includes no new matter.
- ☒ A copy of the NOTICE TO COMPLY...SEQUENCE DISCLOSURES.
- ☒ Other (provide description of items submitted) - **Amendment to claims 10 and 11 wherein the only amendment is the addition of the SEQ ID NOs:.**

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**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME  
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

I hereby state that each computer readable form submitted in this application,  
is the same as the paper copy of the "Sequence Listing" to which it is indicated to  
relate. All papers accompanying this submission introduce no new matter.

Respectfully Submitted,

**Norris, McLaughlin & Marcus**  
220 East 42 nd Street  
New York, NY 10017  
Telephone (212) 808-0700  
Facsimile (212) 808-0844



Theodore Gottlieb, PhD  
Reg. No. 42,597

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**MARK UP OF AMENDED CLAIMS**

10. The influenza virus of claim 9, which comprises a 3' terminal nucleotide sequence of (5')-CCUGUUUCUACU-3' (SEQ ID NO: 5) or (5')-CCUGUUUUUACU-3' (SEQ ID NO: 4).

11. The influenza virus according to any one of claims 7, wherein the 5' terminal nucleotide sequence comprises the modifications U3A and A8U resulting in a 5'-terminal sequence of 5'-AGAAGAAUCAAGG (SEQ ID NO: 10).

<b>Notice to Comply</b>	Application No. 16073377	Applicant(s)	
	Examiner BROQUIN 21	Art Unit 1648	

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Please insert the SEQ ID NOs in claims 10 and 11 after each recited sequences.

#### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

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